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REMARKS

Applicants acknowledge the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicants respectfully request reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

FINALITY OF REJECTION:

Applicants respectfully traverse the finality of the Office Action. The Examiner states since "[a]ll claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114", the application is made final.

Applicants respectfully traverse. The MPEP states "[t]he claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application."

Applicants respectfully note that not all claims could have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered prior to the continued prosecution application. As noted in the Office Action, Claims 29, 30, 34, 52, and 53 are now allowed. Furthermore, as noted below, the claims that have now been rejected are not properly rejected and, therefore, would not have been properly rejected on the grounds

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and art of record in the next Office action if they would have been entered in the earlier application, as detailed below.

STATUS OF THE CLAIMS:

Claims 7, 8, 29, 30, 34-36, and 48-55 are pending in the application. Claims 1-6, 9-28, 31-33, and 37-47 were previously cancelled. Claims 29, 30, 34, 52, and 53 are allowed.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

The Examiner rejects Claims 7, 35, 36, 48-51, 54, and 55 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,105,076 to Simons et al.

Applicants respectfully traverse. Notwithstanding, Applicants have amended Claim 35 to incorporate the limitations of Claim 36, which now calls for:

A concealed sprinkler head comprising:
 a sprinkler body having a central axis and central orifice disposed about said central axis, said central orifice defining an inlet and an outlet, said inlet configured for attachment to a fire extinguishing fluid supply line;
 a deflector movably mounted to said sprinkler body;
 a sealing assembly for sealing said outlet;
 a thermally sensitive trigger assembly configured to releasably urge said sealing assembly into sealing engagement with said outlet;
 a housing attached to said sprinkler body and having a bottom extending beyond said outlet, said thermally sensitive trigger assembly positioned between said outlet and said bottom of said housing; and
 a cover plate removably mounted to said bottom of said housing, said cover plate having an inner surface facing said housing, an outer surface having planar portions, and a periphery, other portions of said plate projecting outwardly in a direction generally along said central axis away from said housing, said other portions forming passageway sections extending inwardly from said periphery to enable air to travel between said periphery and said bottom of said housing and towards said thermally sensitive trigger assembly, wherein said cover plate has an annular perimeter portion comprising an undulating outer surface forming

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a plurality of radially spaced undulations, and said undulations forming said passageway sections.

Applicants respectfully urge that Simons et al. do not disclose the claimed combination. For example, Simons et al. do not disclose or suggest a cover plate having an inner surface facing a sprinkler head housing, an outer surface having planar portions, and a periphery, with other portions of the plate projecting outwardly in a direction generally along the central axis away from the housing and the other portions forming passageway sections extending inwardly from the periphery, and, further, wherein the cover plate includes an undulating outer surface. In contrast, Simons discloses a cover plate with a flat or planar outer surface—not an undulating outer surface. Undulating as used herein is used in its normal sense to mean having a wavy appearance. Therefore, Applicants respectfully urge that the Examiner has failed to establish anticipation of the claimed invention (as previously claimed in Claim 36). “A claim is anticipated if only each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, “the identical invention must be shown in as complete detail as is contained in the claim”. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). All words in a claim must be considered in judging patentability of a claim against prior art. *In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494 (CCPA 1970).

Moreover, Applicants respectfully urge that it would not be obvious to modify Simons et al. to meet the claimed combination, since such a modification would change the operation of the Simons device. As such, such a modification would not be obvious.

With respect to Claim 55, Claim 55 calls for:

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A concealed sprinkler head comprising:
 a sprinkler head body having an outlet opening and
 a central axis, said outlet opening disposed about said central axis;
 a housing mounted to said sprinkler head body and
 having a central passageway in communication with said outlet
 opening;
 a thermally sensitive trigger assembly operative to
 open and close said outlet opening; and
 a cover plate mounted to said housing, said cover
 plate having a generally planar central portion, a perimeter portion
 extending around said planar central portion, and a peripheral edge
 extending around said perimeter portion, said cover plate further
 including an inner surface facing said housing and an outer
 surface, said planar central portion lying in a plane generally
 orthogonal to said central axis, said perimeter portion having a
 plurality of radially spaced arcuate portions extending between
 said central portion and said peripheral edge, said arcuate portions
projecting outwardly from said plane to form a plurality radially
 spaced passageways extending inwardly from said peripheral edge
 to enable air to travel from said peripheral edge toward said
 thermally sensitive trigger assembly. (emphasis added)

Applicants respectfully urge that Simons et al. do not disclose or suggest the
 claimed combination. For example, Simons et al. do not disclose or suggest a sprinkler head
 cover plate that includes a generally planar central portion, a perimeter portion extending
 around the planar central portion, and a peripheral edge extending around the perimeter
 portion, with the cover further including an inner surface facing the housing and an outer
 surface, with the planar central portion lying in a plane generally orthogonal to the central
 axis, with the perimeter portion having a plurality radially spaced arcuate portions extending
 between the central portion and the peripheral edge, with the arcuate portions projecting
outwardly from the plane to form a plurality of radially spaced passageways extending
 inwardly from the peripheral edge to enable air to travel from the peripheral edge to the
 thermally sensitive trigger.

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Applicants respectfully urge that Simons et al. do not disclose or suggest the claimed combination. In contrast, Simons et al. teach a cover plate with a generally planar outer surface and, therefore, do not teach a cover plate with arcuate portions that project outwardly from the plane of the cover plate as defined in the claim. Arcuate is used in its ordinary sense to mean curved. Therefore, Applicants respectfully urge that the Examiner has failed to establish that Simons et al. anticipates the claimed invention.

With reference to Claim 49, Claim 49 depends from Claim 55 and, further, calls for a plurality of radially spaced generally planar portions extending inwardly from the perimeter edge which are disposed between the radially spaced arcuate portions. Again, Applicants respectfully urge that Simons et al. does not disclose or suggest the claimed combination.

With respect to Claim 48, Claim 48 depends from Claim 55 and, further, calls for the cover plate to have an undulating surface, which defines the radially spaced arcuate portions. Applicants respectfully urge that Simons et al. do not disclose or suggest a cover plate with an undulating surface. In contrast, as previously noted, the decorative cover plate of Simons et al. is formed from a flat or planar plate with a flat or planar outer surface.

Accordingly, Applicants respectfully urge that Claims 7, 35, 36, 48-51, 54, and 55 are patentably distinguishable over Simons et al. alone or in combination with any other reference of record.

CLAIM REJECTIONS UNDER 35 USC § 103:

The Examiner rejects Claims 8 under 35 U.S.C. § 103(a) as being anticipated by Simons et al.

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Claim 8 ultimately depends from Claim 55 and is, therefore, patentably distinguishable over Simons et al. for at least the reasons set forth above in reference to Claim 55.

In light of the above amendments and remarks, Applicants respectfully urge that all claims are now in condition for allowance and respectfully solicit a Notice to that effect.

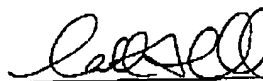
Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at (616) 975-5506. An early and favorable action on the merits is respectfully solicited.

Respectfully submitted,

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